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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,303	02/09/2004	George Ku	KUGE3001/EM	8747
23364	7590	06/21/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,303

Applicant(s)

KU ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's amendment filed 4/18/06, wherein claims 1, 3, and 7 were amended. Claims 1-7 remain pending in the instant application. It should be noted that claim 3 is no longer objected and rejected in this office action. The Finality of this office action is deemed proper because amended claim 3 does not include all of the limitations of the base claims, that is, new claim 3 lacks the language of claim 2.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no positive antecedent basis for "the through holes".

Claim Rejections - 35 USC § 102 and 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as anticipated by Conneally or, in the alternative, under 35 U.S.C. 103(a) as obvious over Conneally, U.S. Patent 4,696,213, in view of Gaskell, U.S. Patent 2,806,493.

Conneally discloses the same invention as claimed including, e.g., a base (the lower center portion shown in Figure 1 upon which table 38 lies) with a table (38) on a top of the base, a blade (not shown, see column 1, lines 1-10) rotatably extending through a slot (not shown, see column 1, lines 1-10) in the table, a first rail (12) with upper and lower surfaces (12b and 12a, as shown in Figure 6) and a second rail (14) with upper and lower surfaces (14a and 14b), located on two sides of the table; a rip guide (16) having a lock handle (46) pivotably connected to a first end of the guide (pivotable because it rotates), wherein the a second end of the rip guide slidably engaging the lower surface of the second rail (14b, see Figure 2); and a guide piece (20) located at an underside of the lock handle, wherein the guide piece includes rollers (34) connected thereto which contacts the upper surface (12b, see Figure 6) of the first rail. It should be noted that the terms "upper" and "lower" are relative terms not defined in the claims.

In the alternative, even if it is argued that Conneally lacks the pivoting lock handle, Gaskell discloses that it is old and well known in the art to use pivoting lock handles instead of rotating lock handles for the purpose of providing a more quickly lockable fence. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention was made to use pivoting locking handle instead of rotating locking handles in order to provide a quicker locking handle mechanism.

As to claims 2 and 4, Conneally and the modified device of Conneally disclose the use of two through holes for each roller, as shown in Figures 1 and 2, wherein the rollers extend beyond the top surface (outer surface) of the guide.

As to claim 3, Conneally and the modified device of Conneally disclose a rectangular retaining frame (26 is rectangular), which is connected to the guide piece as it is part of the guide piece and located therein are two through holes and rotatably rollers enclosed by the frame as shown in Figure 2.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as obvious over Conneally, U.S. Patent 4,696,213, in view of Gaskell, U.S. Patent 2,806,493, as applied to claim 1 above and further in view of Talesky et al., U.S. Patent 6,360,641.

Conneally and the modified device of Conneally disclose the invention substantially as claimed except for: the groove in the upper surface of the first rail and a protrusion on the rip guide for slidably engaging with the groove; however, Talesky et al. discloses the use of groove in the upper surface of a guide rail and a protrusion on the rip guide to mate with the groove for the purpose facilitating movement of the rip guide relative to the guide. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use groove and protrusion, as taught by Talesky et al., in order to facilitate movement of the rip guide.

As to claim 6, the modified devices of Conneally discloses the invention substantially as claimed except for the specific convex and concave shapes of the

groove and protrusion. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use convex and concave shapes for the groove and protrusion or any mating shapes because applicant has not disclosed that the specific shape provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the convex and concave groove and protrusion because both shapes perform to guide the fence relative to the table. Therefore, it would have been an obvious matter of design choice to modify the modified devices of Conneally to obtain the invention as specified in claim 6.

Moreover, it would have been an obvious matter of design choice to make the different portions of the groove and protrusion, with concave and convex shapes for the purpose of facilitating movement of the rip guide, of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Conneally, U.S. Patent 4,696,213, in view of Gaskell, U.S. Patent 2,806,493, as applied to claim 1 above and further in view of Talesky et al., U.S. Patent 6,360,641.

Conneally and the modified device of Conneally discloses the invention substantially as claimed except for the end member with an insertion that is inserted into the opening of the second end of the rip guide, an assist roller (36) is connected to an underside of the insertion and contacts a top surface of the second rail (18, see Figure

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6) and a hooking member engaged with the second rail. However, Talesky et al. disclose the use of an end member with an insertion (102) that inserted into an opening in the second end (see Figures 3-4) in combination with an assist roller (106) and a hooking member (96) slidably engaging the second rail at 30 for the purpose of facilitating movement of the rip fence.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to an end member with an insertion and assist roller and hooking member as taught by Talesky et al. with Conneally or the modified device of Conneally in order to facilitate movement of the fence.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant contends that Conneally lack the upper and lower surfaces on the first and second rails; however, the examiner respectfully disagrees for the reasons given above in the rejection. It should be noted that the Conneally make not have the same surfaces as intended by the applicant but the claims do not structurally distinguish between the intended surfaces and the claimed surfaces as well as the surfaces shown in Conneally. The language of an upper and lower surfaces do not define any specific location for the surface nor is there is relationship as to define upper and lower relative to.

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10. For the reasons above, the grounds of rejection are deemed proper.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
6/15/05